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REMARKS

Applicant submits this Response to the Office Action mailed June 6, 2005. In this Response, Applicant has amended claims 4, 5, 10 and 14-16, and canceled claims 3, 8, 9 and 13. Claims 2, 4, 5, 7, 10, 12, and 14-16 are still pending. No new matter has been added.

In the Office Action, the Examiner has rejected claims 2-5, 7-10 and 12-16 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,652,789 to Miner et al. ("Miner") in view of U.S. Patent No. 6,301,609 to Aravamudan et al. ("Aravamudan"). Applicant respectfully requests that the Examiner reconsider these rejections based upon the following.¹

As an initial matter, for the Examiner's convenience, Applicant notes that among the amendments to claims 4, 5, 7 and 14-16 include incorporation of subject matter similar (although not identical) to that claimed in canceled claims 3, 8, 9 and 13.

Claim 4 recites a method that includes:

- receiving, via a data network, event data associated with the user, the event data comprising a first telephone number associated with the one or more parties and a time period for initiating the call;
- storing the event data in a database;
- determining that a current time is within the time period for initiating the call;
- notifying the user by instant message sent via the data network that the call is about to take place;
- receiving confirmation from the user via the data network to initiate the call to the one or more parties on behalf of the user;
- determining a second telephone number associated with the user based on the event data;
- providing the first telephone number and the second telephone number to a server; and
- providing the first telephone number and the second telephone number from the server to the telephone network in order to establish the call between the

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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user and the one or more parties via the telephone network using the first telephone number and second telephone number.

Applicant submits that the cited references do not teach or suggest the method recited by claim 4. For example, the cited references do not describe “receiving, via a data network, event data associated with the user, the event data comprising a first telephone number associated with the one or more parties and a time period for initiating the call,” “determining a second telephone number associated with the user; providing the first telephone number and the second telephone number to a server; and providing the first telephone number and the second telephone number from the server to the telephone network in order to establish the call between the user and the one or more parties via the telephone network using the first telephone number and second telephone number,” as recited in claim 4.

The Examiner has asserted (in the comments with respect to claims 3, 8, 9 and 13) that Miner “teaches determining based in the reminder data a telephone number associated with the user and a telephone number associated with the one or more parties (fig 29, 30, col 40, lines 15-34, 55-64).” (Office Action, p. 4.) Applicant disagrees. As an initial matter, the portion of Miner cited by the Examiner does not describe a reminder that includes a telephone number of at least one party to call. Moreover, nowhere does Miner describe determining a telephone number associated with the user; Miner merely describes connecting an existing caller to a party specified in a call reminder message. (Miner, col. 41, lines 56-61.) The Aravamudan reference (cited by the Examiner as teaching notifications using instant messaging) similarly does not describe such method steps.

Based on the foregoing, Applicant believes claim 4 to be patentable over Miner and/or Aravamudan, and respectfully requests that the Examiner withdraw the rejection of claim 4. As claim 2 depends from claim 4, and therefore includes all of the limitations of claim 4, Applicant believes claim 2 to be patentable over Miner and/or Aravamudan for at least the same reasons as claim 4,² and therefore respectfully requests that the Examiner withdraw the rejection of claim 2 as well.

² As Applicant’s remarks with respect to the base independent claims are sufficient to overcome the Examiner’s rejections of all claims dependent therefrom, Applicant’s silence as to the Examiner’s assertions with respect to

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Claim 14 recites a system that includes means for performing the method steps recited in claim 4. Likewise, Claim 15 recites a computer readable medium comprising computer program code to perform the method steps recited in claim 4. Based on the foregoing discussion of claim 4, Applicant believes claims 14 and 15 to be patentable over Miner and/or Aravamudan for at least the same reasons as claim 4, and respectfully requests that the Examiner withdraw the rejections of claims 14 and 15. Claim 12 is dependent from claim 14, and therefore Applicant believes claim 12 to be patentable over Miner and/or Aravamudan for at least the same reasons as claim 14. Applicant thus respectfully requests that the Examiner withdraw the rejection of claim 12 as well.

Claim 10 recites an apparatus that includes:

- a receiver for receiving via the data network event data associated with the caller,
- a calendar system for storing event data comprising information for connecting with the one or more parties and a time period for connecting;
- a server for providing a first telephone number associated with the caller and a second telephone number associated with the one or more parties to the telephone network in order to establish a call connection between the first telephone number and the second telephone number; and
- a transmitter for connecting the caller via the telephone network to the one or more parties based on the event data, wherein the transmitter determines that a current time is within the time period for connecting, notifies the caller by instant message sent via the data network that a connection is about to take place, receives confirmation from the caller via the data network to initiate the connection to the one or more parties, determines based on the event data the first telephone number and the second telephone number, and provides the first telephone number and the second telephone number to the server in order to establish the call connection via the telephone network.

Miner does not teach or suggest the apparatus recited by claim 10. For example, Miner does not describe “a server for providing a first telephone number associated with the caller and a second telephone number associated with the one or more parties to the telephone network in order to establish a call connection between the first telephone number and the second telephone number,” and “a transmitter for connecting a caller via the telephone network to one or more

dependent claims is not a concession by Applicant to the Examiner’s assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

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parties based on event data,” wherein the transmitter “determines based on the event data the first telephone number and the second telephone number, and provides the first telephone number and the second telephone number to the server in order to establish the call connection via the telephone network,” as recited in claim 10. As discussed above with respect to claim 4, among other things, Miner does not describe any device that determines a telephone number associated with the user based on the event data. The description in Aravamudan does not cure this deficiency in Miner with respect to claim 10.

Based on the foregoing, Applicant believes claim 10 to be patentable over Miner and/or Aravamudan, and respectfully requests that the Examiner withdraw the rejection of claim 10. As claim 7 depends from claim 10, and therefore includes all of the limitations of claim 10, Applicant believes claim 7 to be patentable over Miner and/or Aravamudan for at least the same reasons as claim 10, and therefore respectfully requests that the Examiner withdraw the rejection of claim 7 as well.

Claim 5 recites a method that includes:

- establishing at least one event record corresponding to the call, the event record comprising user information and a plurality of telephone identifiers associated with the plurality of parties;
- associating the event record with an event time;
- requesting authorization from the user by instant message sent via a data network to initiate the call, based on a current time and the event time; and
- initiating the call to the plurality of parties on behalf of the user using the plurality of telephone identifiers, based on an affirmative response to the authorization request from the user, the affirmative response sent by the user over the data network.

Miner does not teach or suggest the method recited by claim 5. For example, Miner does not describe “establishing at least one event record corresponding to the call, the event record comprising user information and a plurality of telephone identifiers associated with the plurality of parties,” and “initiating the call to the plurality of parties on behalf of the user using the plurality of telephone identifiers, based on an affirmative response to the authorization request from the user, the affirmative response sent by the user over the data network,” as recited in claim 5. Applicant notes that Miner describes an event that permits the connecting of a call to a single party, not an event record that includes a plurality of telephone identifiers associated with

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a plurality of parties or initiating a call to the plurality of parties using the plurality of phone numbers. Aravamudan does not cure the deficiency of the Miner description with respect to the elements of claim 5. The absence of at least these elements of claim 5 indicate that claim is patentable over the Miner and/or Aravamudan references, and Applicant therefore respectfully requests that that Examiner withdraw the rejection of claim 5.

Claim 16 recites a computer readable medium comprising computer program code to perform the method steps recited in claim 5. Based on the foregoing discussion of claim 5, Applicant believes claim 16 to be patentable over Miner and/or Aravamudan for at least the same reasons as claim 5, and respectfully requests that the Examiner withdraw the rejection of claim 16 as well.


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CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues.³ To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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³ As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.